

Docket No. HRT0256C2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicants : H. S. Gifford III et al.

Serial No. : 10/790,540

Art Unit: 3731

Filed : March 1, 2004

Examiner: D.O. Reip

For : Devices and Methods for Performing a Vascular  
Anastomosis

CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being faxed to the  
United States Patent & Trademark Office at 571-273-8300 on December 21, 2005

/Brian S. Tomko/

Brian S. Tomko, Reg No. 41,349  
(Name of Registered Representative)

Honorable Commissioner of Patents  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37  
C.F.R. §§1.97-1.98, information relating to the above-identified  
application is hereby disclosed. Inclusion of information in  
this statement is not to be construed as an admission that this  
information is material as that term is defined in 37 C.F.R.  
§1.56(b).

Applicant(s) reserve(s) the right to establish the  
patentability of the claimed invention over any of the  
information provided herewith, and/or to prove that this  
information may not be prior art, and/or to prove that this  
information may not be enabling for the teachings purportedly  
offered.

This statement should not be construed as a representation  
that a search has been made, or that information more material  
to the examination of the present patent application does not  
exist.

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☐ In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

☐ In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with ☐ the first or ☐ second After Final Submission, therefore:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☐ Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

☒ In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- ☐ Statement in Accordance with §1.97(e) (attached); or
- ☒ Please charge Deposit Account No. 10-0750/*10-0750-256/BST* the fee of \$180.00 as set forth in §1.17(p).

☐ In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of

either a Final Action under \$1.113 or a Notice of Allowance under \$1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with \$1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p).

☐ Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith.

☐ Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

- ☐ In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
- ☐ Copies of references listed on the attached Form PTO-1449 were previously cited by or submitted to the Patent and Trademark Office in prior application Serial No. 10/339,434, filed January 9, 2003.
- ☐ If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

☒ There are no listed references which are not in the English language.

☐ The relevance of those listed references which are not in the English language is as follows:

☐ Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

☐ Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/HRT0256C2/BST. This form is submitted in triplicate.

Respectfully submitted,

/Brian S. Tomko/  
Brian S. Tomko  
Reg. No. 41,349  
Attorney for Applicants

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DATED: December 21, 2005

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<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)	<b>Application Number</b>	107790,540
	<b>Filing Date</b>	March 1, 2004
	<b>First Named Inventor</b>	H. Gifford III
	<b>Group Art Unit</b>	3731
	<b>Examiner Name</b>	D.O. Reip
	<b>Attorney Docket Number</b>	HRT0256C2

Sheet 1 of 8

U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		1,251,258		Magill	12/1917	
		1,918,890		Bacon	7/1993	
		2,434,030		Yeomans	1/1948	
		2,453,056		Zack	11/1948	
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		3,388,847		Kasulin, et al.	6/1968	
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# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Application Number	10/790,540
Filing Date	March 1, 2004
First Named Inventor	H. Gifford III
Group Art Unit	3731
Examiner Name	D.O. Reip
Attorney Docket Number	HRT0256C2

Sheet 2 of 8							
				U.S. PATENT DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	
		Kind Code <sup>2</sup> Number	(if known)				
		1,251,258		Magill	12/1917		
		4,368,736		Kaster	1/1983		
		4,505,414		Filipi	3/1985		
		4,523,592		Daniel	6/1985		
		4,553,542		Schenck, et al.	11/1985		
		4,573,468		Conta, et al.	3/1986		
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# **INFORMATION DISCLOSURE STATEMENT BY APPLICANT**

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<b>Application Number</b>	10/790,540
<b>Filing Date</b>	March 1, 2004
<b>First Named Inventor</b>	H. Gifford III
<b>Group Art Unit</b>	3731
<b>Examiner Name</b>	D.O. Reip
<b>Attorney Docket Number</b>	HRT0256C2

Sheet 3 of 8					
U.S. PATENT DOCUMENTS					
Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy
		Number	Kind Code <sup>2</sup> (if known)		
		5,348,259		Blanco, et al.	9/1994
		1,251,258		Magli	12/1917
		5,368,482		Kaster, et al.	11/1994
		5,478,354		Tovsky, et al.	12/1995
		5,522,834		Fonger, et al.	6/1996
		5,549,619		Peters, et al.	8/1996
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		1,756,870		Treat	4/30
		2,453,056		Zack	11/1948
		3,570,497		Lemola	3/71
		3,657,744		Ersak	4/72
		3,908,662		Razgulov et al.	9/75
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		5,035,702		Taheri	7/9
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		5,168,638		Tzakis	2/23/93
		5,250,058		Miller et al.	10/5/93
		5,330,603		Yoon	7/94
		5,395,030		Kuramoto et al.	3/95
		5,403,333		Kaster et al.	4/95
		5,456,714		Owen	10/10/95
		5,489,285		Piplani et al.	2/6/96
		5,562,728		Lazarus et al.	10/8/96
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**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

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<b>Application Number</b>	10/790,640
<b>Filing Date</b>	March 1, 2004
<b>First Named Inventor</b>	H. Gifford III
<b>Group Art Unit</b>	3731
<b>Examiner Name</b>	D.O. Reip
<b>Attorney Docket Number</b>	HRT0256C2

Sheet 4 of 8						
			U.S. PATENT DOCUMENTS			
Examiner Initials	Cite No.	U.S. Patent Document		Name of Parentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>a</sup> (if known)			
		5,709,335		Heck	1/98	
		1,251,258		Magill	12/1917	
		5,720,776		Chuter et al.	2/24/98	
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		5,474,557		Mai	12-12-1995	
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		5,779,707		Bertholet et al.	07-14-1998	



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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Application Number	10/790,540
Filing Date	March 1, 2004
First Named Inventor	H. Gifford III
Group Art Unit	3731
Examiner Name	D.O. Reip
Attorney Docket Number	HRT0256C2

Sheet 5 of 7

## FOREIGN PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>2</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>				
		EP	0137665			4/1985		
		GB	2018418			5/1985		
		NL	7711347			4/1979		
		SU	885765			2/1983		
		SU	1097301			6/1984		
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		GB	2038692		Noles	7/80		
		EP	0 384 847	A1	Barak	29/08/90		
		EP	0419 660	A1	Kanahin & Lipatov	3/4/91		
		EP	0 539 237	A1	Cock, Inc.	28/4/93		
		EP	0 637 454	A1	Endovascular Technologies, Inc.	2/8/95		
		EP	0 712 614	A1	Advanced Cardiovascular Systems, Inc.	5/22/96		
		FR	1516083		H. Pfau-Wanfried	12/2/88		
		WO	89/08433	A1	Lazarus, Harrison M.	9/21/89		
		WO	96/14808	A1	Advanced Cardiovascular Systems, Inc.	5/23/96		

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 809. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b> (use as many sheets as necessary)	<b>Application Number</b>	10/790,540
	<b>Filing Date</b>	March 1, 2004
	<b>First Named Inventor</b>	H. Gifford III
	<b>Group Art Unit</b>	3731
	<b>Examiner Name</b>	D.O. Reip
	<b>Attorney Docket Number</b>	HRT0256C2

Sheet 6 of 8

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS			
Examiner's Initials*	Cite No.†	Include name of the author (in CAPITOL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T²
		ANDROSOV, "New Method of Surgical Treatment of Blood Vessel Lesions," Arch. Surg. 1958;73:262-265.	
		BERGGREN et al., "Clinical Experience with UNILINK 3M Precise Microvascular Anastomotic Device," Scand J Plast Reconstr Hand Surg. 1993;27:35-39	
		COOPER et al., "Development of the Surgical Stapler with Emphasis on Vascular Anastomosis," NY Acad. Sci. 1983;28:365-377.	
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		HOLT et al., "A New Method for Microvascular Anastomosis: Report of Experimental and Clinical Research," The American Surgeon. 1992;58(12):722-727.	
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		INOKUCHI, "Stapling Device for End-to-side Anastomosis of Blood Vessels," Arch Surg. 1961;82:27-31.	
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		NARTER et al., "An Experimental Method for Nonsuture Anastomosis of the Aorta," Surg Gyne & Obs. 1964;632-331.	
		OLEARCHYK, "Vasilii I. Kolesov-A Pioneer of Coronary Revascularization by Internal Mammary-coronary Artery Grafting," J Thorac Surg. 1988;96(1):13-18.	
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		ROHMAN et al., Chapter IX-Cardiovascular Technique, "Double Coronary Artery-Internal Mammary Artery Anastomoses, Tantalum Ring Technique," Surg Forum. 1960;11:263-243.	
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		Nazari et al., "Expandable Prosthesis for Sutureless Anastomosis in Thoracic Aorta Prosthetic Substitution", European Journal of Cardiothoracic Surgery, Vol. 10, No. 11, 1996, pp1003-1009	
		J. Rosch et al., "Modified Gianturco Expandable Wire Stents in Experimental and Clinical Use", Annals of Radiology, 1998, 31, 2, pp. 100-104	

Examiner Signature	Date Considered
--------------------	-----------------

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

† Unique citation designation number. ‡ Applicant is to place a check mark here if English language Translation is attached.

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# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 8 of 8

Application Number	10/790,540
Filing Date	March 1, 2004
First Named Inventor	H.S. Gifford III
Group Art Unit	3731
Examiner Name	D.O. Reip
Attorney Docket Number	HRT0256C2

## U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
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